



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 6, 2003  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: Larry M. Medina. Meeting was called to order at 9:00 a.m., followed by a moment of silence and the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATIONS**

1. ***Direct Deposit and Direct Payment Month***
2. ***Youth Alcohol Awareness Month***
3. ***National Women's Health Week***
4. ***Price's Creameries Give 'Em Five Month***
5. ***Safe and Drug Free Schools and Communities and Youth Empowerment Services Week***
6. ***NALC Can Food Drive***
7. ***Goodwill Industries Week 2003***

No action was taken on the following request for investigation: I am requesting an investigation from my employment at Sun Metro 1991-1992 and 1999. I had received unfair treatment, lies are in my file. I was fired for accidents which could have been prevented if adequate training was received. It was also a hostile work environment which caused me much anguish. [Vicki Magness]

Ms. Vicki Magness, citizen, stated her case.

Representative Cook requested legal advice during Executive Session.

No action was taken on the discussion and action on a resolution that supports the advancement of clean elections in the City of El Paso (i.e. campaign finance reform via public financed campaigns). [Kris Johnson]

Mr. Kris Johnson, citizen, commented on the importance of submitting Campaign Finance Reports.

Representative Cobos agreed on the importance of the Campaign Finance Reports and added that incumbents have an advantage when running for office because of the funds.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to delete the request that all Sun Metro complaints be directed to each Representative instead of present "keeping the wolf guarding the hen house". Request authorization of \$1,000 so each bus will have designated area Representative's office phone number so complaints may be heard by each territory Representative. [Arthur Ward]

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept, on behalf of the El Paso Fire Department, a donation in the amount of \$756.00 from the Montevista of Coronado Nursing Home. These funds are to be used towards the purchase of furniture for Fire Station 27 at 6767 Ojo de Agua.

Assistant Fire Chief Michael Widtfeldt thanked the Montevista of Coronado Nursing Home for the donation.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried to approve the above Resolution.

## RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Acknowledging Del Sol Medical Center's contribution to the City of landscaping the median at Corral Street and Bois D'arc and directing the City Attorney to prepare a maintenance agreement.

Representative Sariñana thanked Del Sol Medical Center for their contribution.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to delete the Resolution authorizing the Mayor to sign an instrument granting an overhead electrical easement to the El Paso Electric Company for the purpose of providing electrical service to an area along the U.S./Mexico Border located in east-central El Paso near Fonseca and Border Highway (Loop 375) in a portion of U.S. Government Parcel No. 3/Ascarate Park, El Paso County, Texas.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Partial Assignment by and between the City of El Paso ("Lessor") and 6451 Boeing, L.P. ("Assignor") and Genesis Three, LLC d/b/a Boeing INS, LLC ("Assignee") for the property described as a portion of Lot 4, Block 2B, El Paso International Airport Tracts, Unit 4, City of El Paso, El Paso County, Texas, containing approximately 2.579 acres, and municipally known and numbered as 6451 Boeing, El Paso, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Director of Aviation, El Paso International Airport, be authorized to begin termination proceedings for an Industrial Site Lease between the City of El Paso and Bobrow Family Limited Partnership for the following property: a portion of Lot 9, Block 5, El Paso International Airport Tracts, Unit 3, City of El Paso, El Paso County, Texas, more commonly known and numbered as 1633 Airway Blvd.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor and Chief of Police be authorized to sign a Consumer Sentinel Network Confidentiality Agreement between the City of El Paso and Bureau of Consumer Protection of the Federal Trade Commission to allow the Police Department to access the Consumer Sentinel Network and its database of consumer fraud and deception information for use in connection with criminal investigations conducted by the Police Department; and that the Chief of Police be authorized to designate the officers and detectives who will submit applications to the FTC for access. No cost to the City.

**\*RESOLUTION**

**WHEREAS**, effective April 29, 2003, the El Paso Downtown Management District ("the DMD") and the City of El Paso ("the City") entered into an Interlocal Governmental Agreement (the "Agreement") providing for the establishment and funding of a program for improvement of storefronts on businesses in Downtown El Paso; and,

**WHEREAS**, the DMD and the City are authorized to enter into agreements under the provisions of the Texas Local Government Code, Section 375.092(g); and,

**WHEREAS**, the City and the DMD desire to amend the Agreement in order to provide for clarification of certain provisions in the Agreement;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign the Amendment to the Interlocal Agreement with the El Paso Downtown Management District ("DMD") under which the DMD shall implement the Storefront Improvement Program. Pursuant to the Program the DMD shall provide services to Downtown El Paso business owners, including assistance with design and the permit process, matching grants, and access to low-interest loans. The Amendment provides for clarification of terms of the Interlocal Agreement.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVENTEEN THOUSAND AND NO/100THS DOLLARS (\$ 17,000.00 loan) against the following described real property:

Lot 5, Block 3, WEST YSLETA SECOND AMENDED MAP, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 29, Plat Records of El Paso County, Texas; also known and numbered as 8513 Wingo Way, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ELEVEN THOUSAND SIX HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 11,650.00 - \$10,642 loan/\$1,008 grant) against the following described real property:

Lot 18, Block 11, CAPISTRANO PARK UNIT TWO, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 36, Page 13, Plat Records of El Paso County, Texas; also known and numbered as 8738 Iglesia Circle, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOUR THOUSAND SIX HUNDRED AND NO/100THS DOLLARS (\$ 4,600.00 - \$1,938 loan/\$2,662 grant) against the following described real property:

Lot 14, Block A, THOMAS MANOR UNIT THREE, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 18, Page 39, Plat Records of El Paso County, Texas; also known and numbered as 453 Gladys Avenue, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND EIGHT HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 9,850.00 - \$1,418 loan/ \$8,369 grant) against the following described real property:

Lot 43, Block 413, VISTA DEL SOL UNIT NINETY THREE, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on file in Book 60, Page 14, Plat Records of El Paso County, Texas; also known and numbered as 11749 Prado Del Sol Drive, El Paso, Texas 79936.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of TWENTY-EIGHT AND 38/100THS DOLLARS (\$28.38).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS (\$ 9,800.00 - \$8,866 loan/\$934 grant) against the following described real property:

The East 35 feet of Lot 22, plus the West 25 feet of Lot 23, Block 30, SAGELAND ADDITION SECTION TWO, THIRD REPLAT, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 48, Page 5, Plat Records of El Paso County, Texas; also known and numbered as 7916 San Paulo Drive, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of EIGHTEEN AND 78/100THS DOLLARS (\$18.78).

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its liens in the amount of ELEVEN THOUSAND THREE AND NO/100THS DOLLARS (\$ 11,300.00 - \$5,557 loan/\$5,743 grant) And Five Thousand Five Hundred And No/100ths Dollars (\$ 5,500.00 - \$2,562 loan/\$2,938 grant) against the following described real property:

Lot 38, Block 3, ROSE HAVEN ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 15, Page 13, Plat Records of El Paso County, Texas; also known and numbered as 7154 Lavern Drive, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Museum of Art be authorized to co-sponsor a film festival with the Chamizal Independent Film Festival in the Museum auditorium, from 12:00 p.m. to 2:00 p.m. on August 3, and from 11:00 a.m. to 1:00 p.m. on August 5 and 7, 2003. There will be no cost to the City, and admission is free to the public.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Director of the El Paso Museum of Art be authorized to sign an incoming loan agreement for the loan of the Tom Lea painting "Word in the Night" to the Museum from Mr. and Mrs. Bill Casner. The loan will be for six months, April 4, 2003 through October 4, 2003 at no cost to Museum.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts offered by Dr. Roy Levit, identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office)

1. One (1) wall mounted sculpture by artist James Drake entitled "Blue Knife", and
2. One (1) lithograph by artist James Drake entitled "Blue Gun", and
3. One (1) lithograph by artist James Drake entitled "Green Knife".

.....  
**\*R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council and the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Kyleen A. Almendarez, Pool Attendant, Step 4  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-251
2. CONTRACTOR: Ivonne Baray, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-252
3. CONTRACTOR: Justin R. Berry, Outdoor Pool Manager, Step 2  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$7.50  
CONTRACT NO: 2002/2003-253
4. CONTRACTOR: Alfonso Cisneros, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-254
5. CONTRACTOR: Juan Devora, Pool Attendant, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.40  
CONTRACT NO: 2002/2003-255
6. CONTRACTOR: Elizabeth M. Dominguez, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-256

7. CONTRACTOR: Luis C. Dominguez, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-257
8. CONTRACTOR: Ana J. Flores, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-258
9. CONTRACTOR: Tracy Flores, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-259
10. CONTRACTOR: Fabian Herrera, Outdoor Pool Manager, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$7.30  
CONTRACT NO: 2002/2003-260
11. CONTRACTOR: Kelsey Garcia, Swim Instructor, Step 1  
DATES: May 07, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-261
12. CONTRACTOR: Thomas F. Jones, Outdoor Pool Manager, Step 2  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$7.50  
CONTRACT NO: 2002/2003-262
13. CONTRACTOR: Susan C. Lincoln, Swim Instructor Coordinator, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$6.50  
CONTRACT NO: 2002/2003-263
14. CONTRACTOR: Jason Martinez, Lifeguard, Step 2  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-264
15. CONTRACTOR: Luis A. Morales, Pool Attendant, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.40  
CONTRACT NO: 2002/2003-265
16. CONTRACTOR: Erika Pedroza, Pool Attendant, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.40  
CONTRACT NO: 2002/2003-266
17. CONTRACTOR: Mayra Rodriguez, Swim Instructor, Step 1  
DATES: May 07, 2003 thru September 30, 2003  
RATE PER HR: \$5.35  
CONTRACT NO: 2002/2003-267

18. CONTRACTOR: Angelina C. Stringfield, Lifeguard, Step 2  
 DATES: May 07, 2003 thru September 30, 2003  
 RATE PER HR: \$6.00  
 CONTRACT NO: 2002/2003-268
19. CONTRACTOR: Angelica Terrazas, Lifeguard, Step 3  
 DATES: May 07, 2003 thru September 30, 2003  
 RATE PER HR: \$6.20  
 CONTRACT NO: 2002/2003-269
20. CONTRACTOR: Omar C. Torres, Lifeguard, Step 2  
 DATES: May 07, 2003 thru September 30, 2003  
 RATE PER HR: \$6.00  
 CONTRACT NO: 2002/2003-270
21. CONTRACTOR: Vanessa Valenzuela, Swim Instructor, Step 1  
 DATES: May 07, 2003 thru September 30, 2003  
 RATE PER HR: \$5.35  
 CONTRACT NO: 2002/2003-271
22. CONTRACTOR: Leah A. Wayne, Swim Instructor Coordinator, Step 2  
 DATES: May 07, 2003 thru September 30, 2003  
 RATE PER HR: \$6.85  
 CONTRACT NO: 2002/2003-272

\*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Agreement with Communities in School for the City to provide work sites to participants in the Communities in School Program which provides job experience to the youth of El Paso. There is no cost to the City.

\*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Recycling Manager (1)

\*Motion made, seconded and unanimously carried to approve the request from Faustino Fonseca of the Solid Waste Management Department for Special Sick Leave.

\*Motion made, seconded and unanimously carried to approve the request from Fernando A. Villalobos of the Street Department for Special Sick Leave.

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #B692-999-0010-1500, \$13,326.31 per month installments on a balance of \$79,957.86 for 2001 & 2002 taxes; Cal-Vegas Limited — 7840 Mesa.
- B. PID #C572-999-0010-1254, \$3,131.29 per month installments on a balance of \$28,181.61 for 2000, 2001 & 2002 taxes; Rasoul & Nasrin Karbasi – 8230 Alameda Ave.
- C. PID #M845-000-0020-2100, \$217.04 per month installments on a balance of \$3,906.72 for 1999, 2000 & 2001 taxes; Cleofas & Hilce P. Hernandez – 5740 Mountain Sun.



\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Lilia Ocon DBA El Rincon de Cortez in the amount of \$507.42, overpayment of 2002 taxes. (PID #0827-999-2347-0034)
- B. Super Motors c/o Raul Guereca in the amount of \$1,930.27, overpayment of 2000 & 2001 taxes. (PID #1996-999-1180-0034)
- C. Jose C. Urquidi in the amount of \$1,097.75, overpayment of 2002 taxes. (PID #A442-000-0010-0002)
- D. SABA Inc. in the amount of \$19,127.01, overpayment of 2002 taxes. (PID #A462-999-1910-2100)
- E. Washington Mutual in the amount of \$1,205.82, overpayment of 2002 taxes. (PID #C340-999-1070-3300)
- F. GMAC Mortgage in the amount of \$4,093.72, overpayment of 2002 taxes. (PID #C340-999-1410-4000)
- G. Juan Lopez in the amount of \$1,240.14, overpayment of 2002 taxes. (PID #C732-999-0270-1300)
- H. Lawyers Title in the amount of \$1,411.16, overpayment of 2002 taxes. (PID #D377-999-001D-8300)
- I. National City Mortgage in the amount of \$1,829.03, overpayment of 2002 taxes. (PID #E054-999-0230-4100)
- J. Kaman Industrial Technologies in the amount of \$5,328.94, overpayment of 2002 taxes. (PID #E131-999-0020-7600)
- K. Stewart Title in the amount of \$4,501.19, overpayment of 2002 taxes. (PID #F169-999-0030-1700)
- L. Maria C. Vargas in the amount of \$1,454.20 overpayment of 2002 taxes. (PID #F607-999-0250-5000)
- M. Hector I Reyes in the amount of \$8,950.00, overpayment of 2002 taxes. (PID #F607-999-0810-5000)
- N. National City Mortgage in the amount of \$1,042.60, overpayment of 2002 taxes. (PID #G569-999-0050-5500)
- O. USDA, Rural Housing in the amount of \$1,431.06, overpayment of 2002 taxes. (PID #G760-000-0030-0500)
- P. Antonio Sida in the amount of \$637.41, overpayment of 2002 taxes. (PID #H010-000-0320-0070)
- Q. Raul & Leticia Macias in the amount of \$1,962.76, overpayment of 2002 taxes. (PID #L478-999-0010-1100)
- R. National City Mortgage in the amount of \$1,220.82, overpayment of 2002 taxes. (PID #L478-999-0080-1100)
- S. National City Mortgage in the amount of \$1,537.02, overpayment of 2002 taxes. (PID #L547-999-001A-4900)
- T. Hector I. Reyes in the amount of \$5,000.00, overpayment of 2002 taxes. (PID #M344-999-0070-9920)
- U. Salvador D. Reyes & Yolanda Reyes in the amount of \$6,000.00, overpayment of 2002 taxes. (PID #M344-999-0070-9970)
- V. Wells Fargo Real Estate Tax Services in the amount of \$1,943.29, overpayment of 2001 taxes. (PID #M757-999-0050-4900)
- W. Wells Fargo Real Estate Tax Services in the amount of \$2,338.90, overpayment of 2001 & 2002 taxes. (PID #M800-999-000A-0900)
- X. Wells Fargo Real Estate Tax Services in the amount of \$2,286.62, overpayment of 2002 taxes. (PID #M862-999-0000-5200)
- Y. Mortgage Service Center in the amount of \$2,148.97, overpayment of 2002 taxes. (PID #N425-999-0270-1700)
- Z. Henry & Dana Zais in the amount of \$919.33, overpayment of 2002 taxes. (PID #S237-999-0390-2100)
- AA. National City Mortgage in the amount of \$2,262.03, overpayment of 2002 taxes. (PID # S380-999-0040-0600)



Increase	\$18,936	to	51159242/P51800014716121/405072	PrkIndDedFee
Increase	\$18,936	to	51159242/P51800014716121/508004	PubUseFac
Increase	\$37,107	to	51159242/P51800083616175/405072	PrkIndDedFee
Increase	\$37,107	to	51159242/P51800083616175/508004	PubUseFac
Increase	\$14,100	to	51159242/P51800015316127/405072	PrkIndDedFee
Increase	\$14,100	to	51159242/P51800015316127/508004	PubUseFac

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-497 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,491	to	51159242/P51800015716131/405072	PrkIndDedFee
Increase	\$ 1,491	to	51159242/P51800015716131/508004	PubUseFac
Increase	\$16,200	to	51159242/P51800082416163/405072	PrkIndDedFee
Increase	\$16,200	to	51159242/P51800082416163/508004	PubUseFac
Increase	\$ 6,600	to	51159242/P51800082416163/405072	PrkIndDedFee
Increase	\$ 6,600	to	51159242/P51800082416163/508004	PubUseFac

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-498 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$12,678	to	51159242/P51800086016200/405072	PrkIndDedFee
Increase	\$12,678	to	51159242/P51800086016200/508004	PubUseFac
Increase	\$ 3,000	to	51159242/P51800011816092/405072	PrkIndDedFee
Increase	\$ 3,000	to	51159242/P51800011816092/508004	PubUseFac
Increase	\$ 600	to	51159242/P51800005716031/405072	PrkIndDedFee
Increase	\$ 600	to	51159242/P51800005716031/508004	PubUseFac

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-546 LIBRARY

The Library requests a budget transfer under the Quick Copy Center budget. This budget transfer will allow the Copy Center to purchase software for the existing computers. The new software will allow the staff to print straight to the copier. Also a scanner and printer will be purchased.

Increase	\$7,200	to	53530151/45204/407002	Est Rev
Increase	\$7,200	to	53530151/45204/508010	Data Proc Eq

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2003-560 MUNICIPAL SERVICES

Emergency repair of Westside Health Center roof and the design and construction of life safety system for Tillman Health Center.

Increase	\$95,000	to	31131001/P50148827061/407002	Est Rev
Increase	\$95,000	to	31131001/P50148827061/508027	Construction

.....



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council officially finds and determines that said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the ordinance calling said election.

2. That the City Council officially finds and determines that the following votes were cast at said election for the following officers by the resident, qualified electors of said City, who voted at the election:

**MAYOR**

Jaime O. Perez	1032
Joe Wardy	29890
Lee White	270
Bernie Molina Canton	214
Raymond (Ray) C. Caballero	18394
Carl Munoz Starr	189
Ray Graham	683

**DISTRICT REPRESENTATIVE NO. 1**

Matt Bolyard	71
Craig Ludwig	100
Gene Finke	2638
Susan Austin	4367
James A. Campos	320
Travis Ketner	767
Charles (Charlie) Hooten	1803
James (Jim) Tift	130
Richard Schecter	131

**DISTRICT REPRESENTATIVE NO. 2**

Jorge Franco	252
Jesus "Chuy" Terrazas	2011
Ruben Luis Reyes	352
Robert A. Cushing, Jr.	1473
Rick Melendrez	388
Orlando "Bobby" Fonseca	520

**DISTRICT REPRESENTATIVE NO. 3**

Lorenzo "Larry" M. Medina	2473
Jose Alexandro Lozano	2493
Marilyn Mischen	1379

**DISTRICT REPRESENTATIVE NO. 4**

Stan Roberts	2243
John Cook	3442
Carl L. Robinson	938

**DISTRICT REPRESENTATIVE NO. 5**

Dan Power	3112
Dan Chavez	2446

**DISTRICT REPRESENTATIVE NO. 6**

Paul Escobar	2514
--------------	------

**DISTRICT REPRESENTATIVE NO. 7**

Angie C. Barajas	782
Vivian Rojas	2119
Alan Serna	1422
Eddie Holguin, Jr.	1335

**DISTRICT REPRESENTATIVE NO. 8**

John Kitridge	327
Anthony W. Cobos	3217
Gerry Cichon	1973
Lisa Elena Turner	272
Manuel Resendez	187

**JUDGE MUNICIPAL COURT NO. 4**

Regina B. Arditti	21114
-------------------	-------

3. That in the case of the offices of Representative Districts 1, 2, 3, and 7, no person received a majority of all votes cast for the candidates for each such office, and accordingly no one for these offices is declared elected and a runoff election is to be called by the Mayor in accordance with the Texas Election Code; and that the number of votes cast for each person who was a candidate for such offices, according to the returns, is shown in paragraph 2 hereof.

4. That in the case of the following offices, the following persons who received a majority of the votes cast for candidates for such offices are hereby declared elected to such offices for the ensuing terms, or until the election and qualification of their successors:

**MAYOR**

**Joe Wardy**

**DISTRICT REPRESENTATIVE NO. 4**

**John Cook**

**DISTRICT REPRESENTATIVE NO. 5**

**Dan Power**

**DISTRICT REPRESENTATIVE NO. 6**

**Paul J. Escobar**

**DISTRICT REPRESENTATIVE NO. 8**

**Anthony W. Cobos**

**JUDGE MUNICIPAL COURT NO. 4**

**Regina B. Arditti**

5. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the May 3, 2003 General Election showing the number of votes cast in each precinct for each candidate.

6. That this resolution is adopted subject to the right of any candidate to contest such election in any way provided by law.

Ms. Richarda Duffy Momsen, City Clerk, read the Resolution into the record.

Representative Cobos revised the resolution to correct the spelling of Mr. Cichon who ran for District 8.

Mayor Raymond C. Caballero and Representative Sumrall congratulated all the winners, all the candidates who ran for office and thanked City staff and the community for their support.

Representative Sumrall also encouraged everyone to keep running for office and not to give up. She commended Mayor Caballero for an excellent campaign. She explained that people who did not vote can still vote at the run-off election.

Ms. Momsen noted that the drawing for placement on the run-off ballot would occur at 3:00 p.m. today.

Mr. Al Avila, Assistant City Attorney, noted that early voting would begin May 19, 2003.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

**ORDINANCE 15430**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 3A1 AND A PORTION OF TRACT 3A1A, S. A. & M. G. SURVEY NO. 266 (PARCEL 1) AND ALL OF LOT 7, BLOCK 4, SUNSET VIEW UNIT 2 SUBDIVISION (PARCEL 2), EL PASO, EL PASO COUNTY, TEXAS (DESERT SOUTH BOULEVARD AND MONTOYA LANE) FROM R-3 (RESIDENTIAL) AND R-3A/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, explained the zoning change request and noted that there was no opposition.

Representative Sumrall questioned the intended use of the property.

Mr. David Etzold, representative, explained that the property would be utilized as used car sales and automotive repair services. He added that he would provide the Detailed Site Development Plan.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15431

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 9 AND 10, BLOCK 18, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (3714 DYER STREET) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rodriguez, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15432

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03002, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON LOT 21, ROSEDALE FARMS COMPANY SUBDIVISION NO. 2, EL PASO, EL PASO COUNTY, TEXAS (7769-7771 ROSEDALE DRIVE) PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana asked if there are adequate setbacks for additional duplexes.

Mr. Rudy Valdez, Chief Urban Planner, responded yes and gave the particulars.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.



## ORDINANCE 15433

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO CLEAR CHANNEL RADIO TO TEMPORARILY CLOSE A PORTION OF CINCINNATI AVENUE BETWEEN MESA STREET AND STANTON STREET AND PORTIONS OF THE ALLEY BETWEEN BALTIMORE DRIVE AND ROBINSON AVENUE FOR "THE GRAND FINALE" END OF FINAL EXAMS STREET FESTIVAL ON FRIDAY, MAY 9, 2003, THROUGH SATURDAY, MAY 10, 2003.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-03004 FOR LOT 1A AND PART OF LOT 2A, BLOCK 2, PARK WEST UNIT TWO, REPLAT A, EL PASO, EL PASO COUNTY TEXAS (690 SOUTH MESA HILLS DRIVE), PURSUANT TO A CONTRACT CONDITION. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, **Barragan's Hair Salon & Day Spa Inc.** (the "Applicant") has applied for approval of a detailed site development plan pursuant to a contract condition, to permit a hair salon and day spa;

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicant to permit the construction of a hair salon and day spa on the following described property which is located in a **C-3/sc (Commercial/special contract)** District:

*Lot 1A and part of Lot 2A, Block 2, PARK WEST UNIT TWO, REPLAT A, El Paso, El Paso County Texas, and municipally known and numbered as 690 South Mesa Hills Drive, as more particularly described by metes and bounds in the attached Exhibit "A". (Exhibit on file with this Resolution in the City Clerk's Office).*

A copy of the approved detailed site development plan, signed by the Applicant, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference. (Exhibit on file with this Resolution in the City Clerk's Office).



Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Abstain: Council Member Power Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15434 through 15439 were all considered together.

.....  
**ORDINANCE 15436**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF CONSUMER AFFAIRS ADMINISTRATOR.**

See discussion on ordinance 15434.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Abstain: Council Member Power Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15434 through 15439 were all considered together.

.....  
**ORDINANCE 15437**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF WATER SUPPLY MANAGER.**

See discussion on ordinance 15434.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Abstain: Council Member Power Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15434 through 15439 were all considered together.

.....  
**ORDINANCE 15438**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE DEPUTY CHIEF.**

Assistant Fire Chief Michael Widtfeldt gave the particulars.

Mr. Charlie McNabb, Chief Administrative Officer, explained that this is reclassification of the positions.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Abstain: Council Member Power Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15434 through 15439 were all considered together.

.....  
**ORDINANCE 15439**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF FIRE BATALLION CHIEF.**

See discussion for ordinance 15438.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Escobar, Sariñana and Cobos

NAYS: Council Member Sumrall Abstain: Council Member Power Absent: Council Member Medina

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15434 through 15439 were all considered together.

.....  
**RESOLUTION**

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2808 Grant Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 11 and 12, Block C, Alamo Heights Addition

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Adalee Crutchfield AKA Adalee C. Lowe, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 6<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
1. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

- a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Representative Cobos questioned if the owner has contacted the Building Permits and Inspection Department.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations. He answered questions from and responded to comments made by the Council Members and added that the property has not been prorated and there is no clear owner as a result.

Representative Cook reiterated that the structure have been used by gangs.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to accept the Department's recommendations.

# ..... RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3801 Pierce Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 16 and the West ½ of Lot 15, Block 107, Morningside Heights, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 11, Page 33, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose Gutierrez, 5608 Melody Lane, El Paso, Texas 79932, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 6<sup>th</sup>, 2003; and

WHEREAS, Paul Ingle, the owner's representative, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the required drawings or plans be submitted to Building Permits and Inspections for review within 30 days; and
  - b. That the required permits be obtained within 30 days; and
  - c. That the accessory structures be demolished within 30 days; and
  - d. That the primary structure be reconstructed to meet code within 90 days or demolish the structure; and
  - e. That the structure be maintained secure; and
  - f. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - g. That a public hearing be scheduled for August 5<sup>th</sup>, 2003, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - h. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - i. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - j. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to reconstruct, demolish or secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the property of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and added that Mr. Gonzalez has purchased the property and intends to rehabilitate it. He proceeded to give the Department's recommendations. He answered questions from and responded to comments made by the Council Members.

Mr. Paul Engle, relative to the property owner, explained that his relative purchased the property in December 2002 and intends to rehabilitate it.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the Department's recommendations.

.....



## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 320 Wenda Way, in El Paso, Texas, which property is more particularly described as follows:

Lot: 6, Block1, North Loop Gardens #2, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 15, Page 20, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Eva M. Capone, 139 Buckwalter Rd., Phoenixville, PA 19460-2375, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 22<sup>nd</sup>, 2003 which was postponed to May 6<sup>th</sup>, 2003; and

WHEREAS, Mr. & Mrs. John Fleming, prospective buyers, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the premises be cleaned of all weeds, trash and debris within (30) days; and maintained premises clean of all trash, weeds and debris; and
  - b. That a public hearing be scheduled for July 1<sup>st</sup>, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the main structure and accessory building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the main structure and accessory building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the main structure and accessory building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the Department's recommendations.

Ms. Carmen Perez, attorney with Delgado, Acosta, Spencer, Linebarger, Heard & Perez LLP, explained that the property would be posted for an August tax sale.

Ms. Dolores Fleming, prospective buyer, stated that she would be purchasing the property and that it had been cleaned, boarded and secured.

Representatives Sumrall, Rodriguez, Power and Sariñana asked questions of City staff and Ms. Fleming.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to accept the Department's recommendations.

.....  
Motion made by Representative Cobos, seconded by Representative Cook and carried to postpone one (1) week the discussion and action regarding the appeal by Socorro E. Moreno at 820 N. Mesa (Surf Club) on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a church, school, and commercial daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code.

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar and Cobos  
NAYS: Representative Sariñana  
EXCUSED: Representative Medina

Mr. Terry Williams, Director of Building Permits and Inspections, provided explanation and answered questions from and responded to comments made by the Council Members.

Representatives Sariñana, Cook, Sumrall, Cobos, and Power made remarks and asked questions of City staff.

Mr. Pat Devlin, representing business owner Socorro E. Moreno, responded to the Council Member's questions and made comments.

Ms. Moreno, business owner, responded to the Council Members' questions and made comments.

Mr. Clinton McCombs, member of Trinity First United Methodist Church, spoke in opposition.

Mr. Ed Williamson, Pastor of Trinity First United Methodist Church, spoke in opposition.

Ms. Chica Guevara, citizen, spoke in opposition.

Ms. Rita Rodriguez, City Attorney, requested that Council postpone the matter one week to allow City staff to review the type of permit that was applied for.

Representative Cobos moved to postpone for one (1) week. Representative Cook seconded.

Representative Cook withdrew his second to postpone for one (1) week to allow for additional comments from Mr. Williams.

Mr. Williams stated that the recommendation had come from the Department not from the Zoning Board of Adjustment.

Representative Cook reinstated his second to postpone for one (1) week.

.....  
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone one (1) week the discussion and action on the status of the Fire Department Advisory Board.

Representative Sumrall explained that Dr. Karen Gold was unable to appear and moved to postpone one (1) week.

.....  
\*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on Municipal Services Legislative Review Committee recommendation regarding guidelines to be utilized by

the Bond Overview Advisory Committee (BOAC) when considering changes to priorities for quality of life projects.

All changes in project priorities must meet the requirement in Step A and one of the requirements in Step B.

Step A: That the change in priorities is cost neutral on the finances within the program year and the overall bond program, and

Step B: In addition, all changes in project priorities must meet the requirements of at least one of the following:

- (i) That an emergency situation exists. An emergency situation further being defined as one that involves health, safety, and welfare, or
- (ii) That there is a significant cost savings. That recommendation has to be made by both the Department and the subordinate group or board, and the Bond Overview Advisory Committee, or
- (iii) That there are matching opportunities to leverage the bond funding.

Motion made by Representative Sariñana, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Sumrall was not present for the vote.

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **LABORATORY ANALYST**.
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **CHEMIST**.
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **SENIOR CHEMIST**.
- D. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) Section 4, Fringe Benefits, Subsection 4.9, Military Leave to provide supplemental pay for employees involuntarily called back to active military service to include Operation Iraqi Freedom.

**PUBLIC HEARING WILL BE HELD ON MAY 20, 2003 FOR ITEMS A – D**

- E.** An Ordinance granting Special Permit No. SU-03007 to allow for a parking reduction on the property described as a portion of Lots 31, 32 and the West 5 Feet of Lot 30, Block 90, EAST EL PASO ADDITION, El Paso, El Paso County, Texas (3500 Montana, rear), pursuant to Section 20.64.175, and the penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-2 (Commercial). Applicant: Hector Barragan / Representative: Luis de la Cruz, 9013 Lait, El Paso, TX 79925
- F.** An Ordinance changing the zoning of a portion of Tract 2A, Section 45, Block 79, Township 2, T & PRR COMPANY SURVEYS, El Paso, El Paso County, Texas (Zaragoza Road and Charles Schulte Drive) from A-O/sc (Apartment-Office/special contract) to C-1/sc (Commercial/special contract.) The penalty as is provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03019. Applicant: Three Amigos Partnership / Representative: David Etzold, 201 E. Main, Suite 103, El Paso, TX 79901

- G. An Ordinance changing the zoning of a Portion of Lot 15, Block 7, NORTH LOOP GARDENS #1, El Paso, El Paso County, Texas (7825 North Loop) from A-2 (Apartment) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-02045. Applicant/Representative: Lorenzo Candia, 8209 Valle Alegre, El Paso, TX 79907
- H. An Ordinance changing the zoning of a portion of Tract 8B and a portion of Tract 5G, Block 11, UPPER VALLEY SURVEYS, El Paso, El Paso County, Texas (Borderland Road North of Artcraft Road) from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Adobe Haciendas Inc. / Representative: Sitework Engineering, LLC; 4120 Rio Bravo Drive Suite 102, El Paso, TX 79902. ZC-03015 **THIS IS AN APPEAL CASE**
- I. An Ordinance changing the zoning of a portion of Tracts 23D and 23C and all of Tracts 2C and 2C1, Block 15, YSLETA GRANT, El Paso, El Paso County, Texas (8247 North Loop Drive) from R-F (Ranch and Farm) to C-2 (Commercial) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Luis Serna, George T. Serna, Esteban Serna, Jr., Richard Serna, and Eduardo Trejo / Representative: Luis De La Cruz; 9013 Lait Drive, El Paso, TX 79925. ZC-03016

**PUBLIC HEARING WILL BE HELD ON MAY 27, 2003 FOR ITEMS E – I**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to excuse Mayor Pro Tem Larry M. Medina from the Regular Council Meeting of May 6, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Staff be authorized to negotiate, the City Attorney's office to review, and that the Mayor be authorized to sign a License Agreement between the City of El Paso ("City") and the El Paso Community Foundation ("Foundation") to authorize the Foundation to utilize the Plaza Theatre, located at 125 Pioneer Plaza, City of El Paso, El Paso County Texas, for a fund-raiser event to be held on May 13, 2003.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to direct staff to investigate the possibility of amending the Ordinance to require fencing of properties and other trash abatement measures for "Flea Markets".

Ms. Patricia D. Adauto, Director of Planning, Research and Development, provided background information regarding the City's Ordinance. She answered questions from and responded to comments made by the Council Members.

Representatives Cook, Rodriguez, and Power made remarks.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:20 a.m.

.....

APPROVED AS TO CONTENT:



---

Richarda Duffy Momsen, City Clerk